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## Book Reviews

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DIPLOMATIC PROTECTION OF CITIZENS ABROAD. By Edwin M. Borchard. The Banks Law Publishing Co., N. Y. 1915. pp. xxxvii, 988. \$8.00.

Both the long continued disturbances in Mexico and the present great war have given rise to many problems which make the appearance of this work very timely. For something like three years the lives and property of foreigners in Mexico have been unsafe, and during that period a number of American citizens have been killed and a great deal of their property has been destroyed. As a consequence, there has been a wide-spread demand for intervention to afford the necessary protection to our citizens and to avenge those who have been killed.

Likewise the war has raised in acute form such questions as those of dual citizenship and the right of a state to protect its naturalized citizens in the country of their origin when the latter does not recognize the right of expatriation and seeks to compel its former citizens to perform military service; also the treatment of alien enemies and the effect of war upon certain classes of commercial transactions.

While in no sense a book of the hour or the product of present conditions, it is nevertheless fortunate that so scholarly a work should be available when a far greater number of people than ever before are desiring information upon this subject, rightly regarded as one of the most important duties of a state.

The range of the subjects discussed is wide and their treatment is thorough; the literature, statutes, judicial decisions and practice of the more important states have been consulted and freely cited; an extensive bibliography has been prefixed and the work will doubtless take rank as the authoritative treatment of the subject.

There are two particulars, however, in which it seems to the reviewer that the author is fundamentally wrong in his theory that underlies the whole right and duty of a state to protect its citizens abroad. The first is the position that individuals have rights which are recognized by international law as inherent in them. (pp. 15, 32). These are not regarded as rights that come to the individual through membership in his state, but they are a sort of natural and inherent rights of man recognized by the international community instead of by the individual state; yet there is a recognition of the fact (p. 18) that international law is binding only upon states and creates rights and liabilities among them alone. Consequently nationality is not regarded as the source of the title of the individual to redress for the violation of these so-called "human rights," but only of those rights, such as copyright, trade-

mark, and commercial rights generally which are derived from the municipal law of the country of residence or from treaties.

The second objection is to the view point of the author that the right of a state to protect its citizens abroad is a limitation upon the sovereignty of a state (pp. 25, 346). This view seems founded upon the assumption that if a state cannot do as it pleases within its own territory, then its sovereignty is limited. Upon this theory the sovereignty of a state is limited by every treaty which it negotiates. Though the author maintains the right of other states to intervene when a state pursues a course of conduct toward its own citizens which is condemned by the rest of the world, yet it is doubtful if such an intervention, assuming it to be lawful, would be regarded by him as a limitation upon the territorial sovereignty of the state in question.

The correct view, it is submitted, is that the territorial sovereignty of states is unimpaired by the right of other states to protect their citizens abroad, but for certain acts committed against aliens within its borders, the state may, by the rules of international law, be held responsible. Evidence of the correctness of this view may be found in the author's position that the citizen abroad has no right to protection, at least no right derived from international law, and that it is wholly within the province of a state to afford protection or not as it may deem expedient (p. 29).

E. E.

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## Books Received

AMERICAN GOVERNMENT AND MAJORITY RULE. A STUDY IN AMERICAN POLITICAL DEVELOPMENT. By Edward Elliott. Princeton University Press. 1916. pp. vii, 175. \$1.25.

TRUSTS, POOLS AND CORPORATIONS. By William Z. Ripley. Ginn & Company, 29 Beacon St., Boston. 1916. pp. xxxiii, 872. \$2.75.

A MANUAL OF THE FEDERAL TRADE COMMISSION. By Richard S. Harvey and Ernest W. Bradford. John Byrne & Co., 715 Fourteenth St., N. W., Washington, D. C. 1916. pp. ix, 457. \$5.00 del'd.